

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:11CR125
)	
Plaintiff,)	
)	
vs.)	
)	
MARTIN SANTIAGO-ROBLES,)	TENTATIVE FINDINGS
)	
Defendant.)	

The Court has received the Presentence Investigation Report ("PSR") in this case. The parties have not objected to the PSR.¹ The Defendant has filed a motion for downward departure, deviation or variance (Filing No. 118). See Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 2005 WL 50108 (U.S. Jan. 12, 2005), the sentencing guidelines are advisory.

IT IS ORDERED:

1. The parties are notified that my tentative findings are that the PSR is correct in all respects;
2. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary

¹The Defendant objected to the Probation Officer, but no objections were filed with the Court as required under ¶ 6 of the Order on Sentencing Schedule. Therefore, the objections are deemed waived. The Court notes that the objections are more akin to a motion for downward departure for overrepresentation of the criminal history category, and a motion for downward departure, deviation or variance has been filed.

hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

3. Absent submission of the information required by paragraph 2 of this Order, my tentative findings may become final;

4. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing; and

5. The Defendant's motion for downward departure, deviation or variance will be heard at sentencing.

DATED this 14th day of February, 2012.

BY THE COURT:

s/ Laurie Smith Camp
Chief United States District Judge